

REMARKS

Status of the Claims

Claims 2-40 are pending in this application. Claim 1 has been canceled. No claims have been added. The claims have been amended to delete the presence of mineral oil. The claims have also been amended to place them in better form for U.S. practice and to correct dependency. No new matter has been added by the above claim amendments.

Objection to the Claims

The Examiner objects to claim 14 for not reciting "a crosslinking agent". Applicants amend the claims to insert "a". Thus, the objection should be withdrawn.

Rejections Under 35 USC § 102(b) or § 103(a)

The Examiner rejects claims 1, 3, 7 and 9 as anticipated by or obvious over EP 0360 577 (EP '577). Applicants traverse the rejection and respectfully request the withdrawal thereof.

The present invention is directed to a foamed olefin based laminate which is made of an olefinic polymer permitting recycled use and obtainable at a high foaming expansion ratio. The laminate is soft to the touch and is superior in appearance, in resistance

to abrasion, in durability and in sliding performance. In particular, the laminate of the present invention is superior in resistance to abrasion under difficult conditions, so that the claimed foamed olefin based laminate can be used, for example, for sliding parts, weather strips for automotive and architectural seal elements.

Applicants submit that the present invention is neither disclosed nor suggested by EP '577 as Applicants cancel claim 1 and limit the invention by deleting mineral oil. EP '577 fails to disclose all the elements of the present invention. As such, the rejection should be withdrawn.

The Examiner also rejects claims 2, 21 and 25 as obvious over EP '577. Applicants traverse the rejection and respectfully request the withdrawal thereof.

Again, Applicants submit that the above claim amendments, which delete mineral oil, obviate this rejection. Thus, the rejection should be withdrawn.

The Examiner also rejects claims 4-6, 8, 10-20, 22-24 and 26-40 as obvious over EP '577 in view of EP 0 974 617 (EP '617). Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants submit that no *prima facie* case of obviousness has been established as there is no motivation to combine EP '577 with EP '617 to arrive at the present invention. EP '577 relates to a skin layer of thermoplastic elastomer laminates, which are made of an olefinic thermoplastic elastomer comprising a polyolefin resin and an ethylene/ $\alpha$ -olefin copolymer rubber.

Please see the comparative data in the specification where polyolefin resins are used, such as polypropylene (G-1) and propylene homopolymer (K-1) in Examples 1-1 to 1-12. Examples 2-1 to 2-5 represent the present invention. From the comparative data it is clear that EP '577 is distinguished from the present invention.

Thus, the combination of EP '577 and EP '617 also fail to disclose a skin layer of the laminate of the present invention which is made of an ultrahigh molecular weight polyolefin resin (Y) or a mixture thereof with an olefinic thermoplastic elastomer composition (Z) as recited in claim 2 of the present application or alternatively, made of an olefinic thermoplastic elastomer composition (Z) comprising an olefinic thermoplastic elastomer (C) and a lubricant component. Since, EP '617 fails to compensate for the shortcomings in EP '577, Applicants submit that one of ordinary

skill in the art would not be able to arrive at the present invention.

Moreover, Applicants submit that one of ordinary skill in the art would be discouraged from combining the two references to arrive at the present invention. The object of EP' 577 is aimed at a laminated product that has a sharp shape and ridge, but also has a soft touch, such as an instrument panel or interior furnishings in an automobile. On the other hand, the present invention is aimed at a resin composition for coverage skin exhibiting superior sliding ability for sliding glass thereon and yet having superior resistance to abrasion as well as laminated products.

If one of ordinary skill in the art were to combine the disclosures in EP '577 and EP '617, one would expect a deterioration of the softness of the skin layer of EP '577 by the abrasion resistance of the skin layer in EP '617. One would also expect a reduction in the abrasion resistance for EP '617 by the soft skin layer in EP '577. Applicants submit that it is because of these deterrents that one of ordinary skill in the art has not discovered the present invention until now.

For the foregoing reasons, Applicants submit that no *prima facie* case of obviousness has been established and the rejection should be withdrawn.

**Double Patenting Rejection**

The Examiner rejects claims 1-40 under the judicially created doctrine of obviousness type double patenting over claims 1-12 of USP 6,221,963 ("the '963 patent") in view of EP '617. Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants submit that the present invention exhibits unexpected advantageous results over the claimed subject matter in the '963 patent. Please see Tables 2 and 3 on pages 108 and 110 in the specification, where Examples 3-1 and 3-2 represent the present invention. The data in the tables demonstrates that the softness and the abrasion resistance of the present invention is unexpectedly superior to the comparative examples, which are not foamed. As such, Applicants submit that the present invention is distinguished over the claims of the '963 patent and the rejection should be withdrawn.

**Conclusion**

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

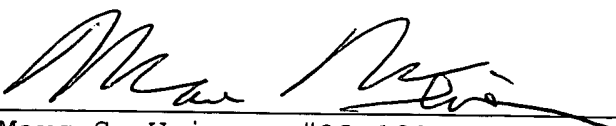
Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of one (1) month to July 14, 2003 in which to file a reply to the Office Action. The required fee of \$110.00 is enclosed herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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